IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 121 OF 2006
IN
WRIT PETITION NO. 1619 OF 2006

Kapse Suryakant Joti.] .. Appellant
(Ori Resp.No.3)

Versus

1. Deshmukh Jaisingrao Pandurang & ors.] .. Respondents
(R.No.1-Orig.Pet)

Mr. I.M. Khairadi for the apppellant.

CORAM: R.M. LODHA &
A.S. BAGGA, JJ.

DATED: 26TH JUNE, 2006

P.C. :

. Heard Mr. I.M. Khairadi for the appellant.

2. The present Appeal is directed against the interim order passed by the learned Single Judge staying the operation of the order dated 23rd February, 2006 passed by the Additional District Judge, Solapur in Election Petition No.1 of 2002, whereby the Court below appointed the Commissioner for inspection and recounting the ballot papers.

3. Against the order dated 23rd February, 2006

passed by the Additional District Judge, Solapur, the present respondent No.1 filed the Writ Petition. The learned Single Judge has issued Rule and while doing so, passed the interim order as noticed above. Having considered the submissions of the counsel for the appellant, we are satisfied that no case for interference in the discretionary order of the learned Single Judge is made out.

4. Letters Patent Appeal is dismissed in limine. However, looking to the short controversy involved in the Writ Petition, we expect that the learned Single Judge shall dispose of Writ Petition No.1619 of 2006 expeditiously. Liberty is granted to the appellant to apply to the learned Single Judge for fixing the date of hearing of the Writ Petition.

Sd/-
[R.M. LODHA, J.]

Sd/-
[A.S. BAGGA, J.]